

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ROBERT W. DURHAM)
)
v.) NO. 3-13-0907
) JUDGE CAMPBELL
CITY OF CLARKSVILLE, TN)

ORDER

Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 35), Plaintiff's Opposition to Recommendation to Dismiss (Docket No. 38), and Defendant's Response to Plaintiff's Objections to Report and Recommendation (Docket No. 39). The Court has reviewed the Report and Recommendation, the Objections, the Response, and the file. The Report and Recommendation is adopted and approved.


The Court previously rejected a Report and Recommendation which recommended dismissal for Plaintiff's failure to affect service. Docket No. 23. The Court referred this matter back to the Magistrate Judge to consider Plaintiff's late-filed Objections and to allow Plaintiff another opportunity to make proper service of process. *Id.* The Court warned Plaintiff that failure to make proper service of process could result in this action being dismissed. *Id.*

The current Report and Recommendation (Docket No. 35) is a result of the above-described second opportunity given to Plaintiff. Given Plaintiff's continued failure to comply timely and properly with the Court's Orders, the Court finds that Plaintiff's Objections should be overruled, and the Report and Recommendation should be adopted.

Accordingly, Defendant's Motion to Dismiss Amended Complaint (Docket No. 32), to which Plaintiff filed no Response, is GRANTED, and this action is DISMISSED. Any other pending Motions are denied as moot, and the Clerk is directed to close the file.

This Order shall constitute the final judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE